

## REMARKS

Reconsideration of this application is respectfully requested. Claims 1- 47 of the present invention currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,452,544 of Hakala et al. (hereafter "the Hakala patent"). The effective date of the Hakala patent is May 24, 2001.

Submitted herewith is a Declaration of Michael William under Rule 37 C.F.R 1.131. The declaration establishes that the present invention was conceived in this country and a WTO country prior to the effective date of the Hakala patent. It also establishes that a first draft of the patent application was presented to the inventors on May 8, 2001 prior to the effective date of the Hakala patent. The inventors reviewed the patent application and various revisions thereto, and the application was ultimately filed on July 12, 2001. The time between the presentation of the patent application draft and the ultimate filing of the application was a mere two months. Within this time, the inventors worked diligently to file the application and thereby achieve a constructive reduction to practice of the invention. Such diligence is all that is required to overcome the effective date of the Hakala patent and eliminate it as a prior art.

Therefore, the rejection of claims 1- 47 under 35 U.S.C 102(e) has been obviated, and withdrawal of these rejections is respectfully requested.

If there is any additional fee associated with this communication, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Jaina Chua at (408) 947 8200 ext 213.

Respectfully submitted,

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## **APPENDIX**

1. Declaration of Michael William Lesyna under 37 C.F.R 1.131 (2 pages)
2. Exhibit 1 – Email from co-inventor Stuart Ralston (1 page)
3. Exhibit 2 – Letter from Blakely Sokoloff Taylor & Zafman (3 pages)